

CIVIL ACTION NO.: 5:22-cv-01101 (MAD/ML)

5. As plaintiff is a citizen of the state of New York and defendants are not citizens of the state of New York, diversity of citizenship exists under 28 U.S.C. §1332.

6. Plaintiff commenced a civil action against defendants in the Supreme Court of the State of New York, County of Orange, on or about October 7, 2022.

7. Defendant, Ryder Truck Rental LT, LLT, was served on or about October 10, 2022 and Defendant, Lily Transportation Corp., was served on or about October 12, 2022.

8. Upon information and belief, defendant, Jason McIvery, has not yet been served; but consent to removal through undersigned counsel.

9. A review of plaintiff's Complaint reveals that it does not contain an Ad Damnum clause (See Exhibit "A"). However, the Complaint alleges:

plaintiff sustained severe, serious and permanent personal injuries, because sick, sore lame and disabled; suffered injury to her nervous system; suffered mental anguish, was confined to bed and home and may, in the future, be so confined; was incapacitated from attending to her usual duties and vocation and may, in the future, be so incapacitated; sustained a loss of quality and/or enjoyment of life, and plaintiff was otherwise damaged. (See Exhibit "A," plaintiff's Complaint, paragraph 90)

The Plaintiff has sustained serious injury as defined in Subdivision (d) of §5102 of the Insurance Law (\$50,000). (See Exhibit "A," plaintiff's Complaint, paragraph 90)

10. Further, based upon medical records received from counsel for plaintiff pre-suit, plaintiff is alleging he sustained injuries to the cervical spine and right shoulder, which required months of physical therapy, as well as, right shoulder arthroscopic surgery.

11. Lastly, plaintiff counsel's pre-suit settlement demand was \$260,000.

12. Therefore, it is clear that the amount in controversy exceeds the federal diversity jurisdictional threshold of \$75,000.

13. As this petition for removal is filed within 30 days of receipt of Plaintiff's Complaint, it is timely filed pursuant to 28 U.S.C. § 1446(b)(3).

14. As Diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice and the jurisdictional threshold of \$75,000 has been alleged by competent evidence, Defendant is entitled to removal pursuant to 28 U.S.C. §1441, as amended, and 28 U.S.C. §1446.

**WHEREFORE**, Defendants, Lily Transportation Corp. and Ryder Truck Rental, LT, LLT, herein prays that the above captioned action now pending in the Supreme Court, Orange County, be removed therefrom to this Honorable Court.

Date: 10/24/22

SALMON RICCHEZZA SINGER &  
TURCHI, LLP

*/s/ Jeffrey A. Segal*

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